

CIVIL REVISION APPLICATION NO. 23 of 1999

coram : N N MATHUR, J  
(21.1.99)

Appearance:

Mr Urmesh Shukla for Mr Sanjay Mehta for petitioners  
Mr M H Chhatrapati for respondent No.1

ORAL ORDER

Heard the learned Advocate for the petitioner and the learned Advocate for the respondent-caveator. By the impugned order, the learned Judge has rejected the application Exh.17. I have read application Exh.17 wherein a prayer has been made to stay the proceedings in Civil Suit No.361/98. There is no prayer for referring the matter for arbitration under the provisions of Section 8 of the Arbitration and Conciliation Act, 1996. (For short, 'the Act') At this stage, Mr Shukla, learned Advocate states that he may be given liberty to file fresh application before the trial court under section 8 of the Act. No question of giving liberty arises. If such an application is filed, the same shall be dealt with in accordance with law. Suffice it to say that I do not find any error of jurisdiction which calls for interference by this Court in exercise of powers under Section 115 of C.P.C. This Revision Application is accordingly rejected. It is made clear that I am not expressing any opinion with respect to the nature of the provisions of section 8 of the Act as to whether the same is mandatory or directory.

21.1.99 [N N Mathur, J]  
msp.